UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,900	02/13/2004	Kil-soo Jung	1101.0216C	6095

89980 7590 01/05/2011		

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ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
01/05/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/777,900	JUNG ET AL.
		Examiner	Art Unit
		DAVID FABER	2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 November 2010</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>47-59 and 62-80</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>47-59 and 62-80</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/19/2010</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment and the Information

Disclosure Statement filed on 19 November 2010.

This office action is made Non Final.

2.   Claims 60 and 61 have been cancelled.

3.   The rejection of Claims 60-61 under 35 USC 112, second paragraph, has been

withdrawn as necessitated by the amendment. The rejection of Claim 47-80 under 35

U.S.C. 103(a) as being unpatentable over Lamkin et al in further view of Berstis et al

has been withdrawn by the persuasiveness of Applicant's arguments.

4.   Claims 47-59, 62-80 are pending. Claims 47, 52, 53, 55, 62, and 67 are

independent claims.

Information Disclosure Statement

5.   The information disclosure statement filed 19 November 2010 fails to comply with

37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance,

as it is presently understood by the individual designated in 37 CFR 1.56(c) most

knowledgeable about the content of the information, of each patent listed that is not in

the English language. It has been placed in the application file, but the information

referred to therein has not been considered.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 47-51. 55-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8.   Claim 47 discloses the limitation "a start-up mark-up document specifying which one of the plurality of documents…is to be interpreted by the presentation engine...". Based on the claim language, it is unclear to the Examiner of what "specifying which one of the plurality of documents…to " means since the claim fails to properly explain what it means by "specifying" one of the documents to be interpreted or how the start-up document specifies another document to be interpreted making the claim vague and indefinite. Furthermore, since this feature is not clearly defined in the claims for the instant application, the examiner is forced to make a broad interpretation for this feature.

9.   Claim 55 discloses the limitation " a mark-up document… specifying whether to display the interactive contents associated with the AV data depending on a parental level set in the apparatus. Based on the claim language, it is unclear to the Examiner of what "specifying whether to display the interactive contents …to " means since the claim fails to properly explain what it means by "specifying" or how the document specifies on displaying the interactive contents or not making the claim vague and indefinite. Furthermore, since this feature is not clearly defined in the claims for the instant application, the examiner is forced to make a broad interpretation for this feature.

Any claim not specifically addressed, above, is being rejected as its failure to overcome the incorporated deficiencies of a claim upon which is depends on.

Claim Rejections - 35 USC § 103

10.   Claims 47, 50, 52-59, 62-70, 73, 77-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (hereinafter Lamkin), U.S. Publication No. US 2002/0088011 A1, filed 7/2/2001, provisional filing 7/7/2000 (cited via Applicant's IDS) in further view of Otsuka et al (20030044171, filed 8/24/2001) in further view of Kanazawa et al (US Patent 6580870, filed 11/27/1998)

As per independent claim 47, Lamkin et al discloses an method disclosing a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224). Furthermore, Lamkin discloses different embodiments that disclose a form of a startup document. In one embodiment, Lamkin teaches a common HTML page (index.htm) in a directory named "common" (a form of startup document) (Lamkin paragraph [0075]). Furthermore, Lamkin discloses various other embodiments in which a HTML page is shipped with a DVD (a form of startup document) that links to a web site on the Internet or other supplemental information provided from the HTML data stored on the DVD (linking is a form of information about other markup document) (Lamkin, Paragraph 0035, 0066-0070) Thus, Lamkin discloses a user can select a link to another web site through the start up document that to be interpreted by the presentation engine (display interface)

However, Lamkin fails to specifically disclose the medium itself comprises a plurality of markup documents. However, Otsuka et al discloses allowing a user to browse HTML documents stored in the local optical disc. Otsuka discloses an AV interface displaying a HTML document (HTML menu) that includes links to other website documents. From the HTML menu, the user can select/retrieve another web document stored on the local optical disc. (Paragraph 0003, 0021, 0027) Since Otsuka discusses a first document being displayed, and the first document to retrieve a second document wherein both documents are stored on the disc, Otsuka discloses plurality of documents stored on the medium. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Lamkin in further view of Otsuka since it would have provided the benefit of allowing users to retrieve additional information about a topic quickly without the need of a network or Internet.

Furthermore, Lamkin discloses identifying parental level values (Page 11, Right Column, "ParentalLevelSelect(n)" command) wherein the commands control the playback and navigation mechanisms of the DVD (Paragraph 0131); however, Lamkin and Otsuka fails to specifically disclose documents corresponding to different parent levels and a document specifying which one of the documents corresponds to different parental level to be interpreted depending on the parent level. However, Kanazawa discloses the ability to restrict the access of Web display related information (web page) based on a parental level wherein the access information is defined on the basis of parental information related to a parental function in system attribute information set in the system. Kanazawa discloses analyzing the content of the web page and only

selecting and retrieving web page/web page content that coincides with the set parental

level. Furthermore, Kanazawa discloses "when the related information that coincides with the

parental level set in the system is not present, it will not be reproduced on the screen. In other words, when

the parental level of the related information is, for example, the adult oriented maximum level "8," if the

parental level set in the reproducing system is "7" or lower, the related information will not be reproduced

even if the user requests. This prevents the related information irrelevant to the attributes of the system (in

this case, the related information that does not coincide with the parental level) from being accessed and

enables the related information conforming with the attributes of the system to be always acquired."

Therefore, only the contents to be reproduced (displayed) are limited on the basis of the

set level parental levels. In other words, only content (web pages) that matches the

parental level requirements will be accessed while the other content will be restricted

and inaccessible. Thus, only the access information is defined on the basis of the set

parent level resulting in link information coincides with the set parent level being

selectable. (Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9, lines

15-47; Col 10 lines 45-48)

It would have been obvious to one of ordinary skill in the art at the time of

Applicant's invention to have modified Lamkin and Otsuka with Kanazawa since it would

have provided the benefit of enabling the user to acquire the best related information

while conforming with the attributes of the system.

As per dependent claims 50, Claims 50 recites similar limitations as in Claim 47

and is similarly rejected under rationale. Furthermore, Lamkin et al discloses link

information identifying locations of documents (Paragraph 0066, 0068, 0070, Claim 15:

discloses links to other documents/sites). Based on the rejection of Claim 47 and the

rationale incorporated, Otsuka discloses link information according to different parental

levels. In addition, Kanawaza discloses "when the related information that coincides with the

parental level set in the system is not present, it will not be reproduced on the screen. In other words, when

the parental level of the related information is, for example, the adult oriented maximum level "8," if the

parental level set in the reproducing system is "7" or lower, the related information will not be reproduced

even if the user requests. This prevents the related information irrelevant to the attributes of the system (in

this case, the related information that does not coincide with the parental level) from being accessed and

enables the related information conforming with the attributes of the system to be always acquired." (Col

5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9, lines 15-47; Col 10

lines 45-48)   In other words, if the user has a higher allowed parental level then the

page's set parental level, then the user is able to view the page and/or certain/all

content. If the user has a lower allowed parent level, then the page and/or certain/all

content is blocked.

        As per independent claim 52, Lamkin et al discloses an method disclosing a DVD

(a storage medium) containing AV data, and including HTML documents in directories

to reproduce said AV data in an interactive mode (a DVD video content and HTML

content with extra information regarding said video encoded on said DVD, playable via

computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066,

0068, 0174, 0224). Furthermore, Lamkin discloses different embodiments that disclose

a form of a startup document. In one embodiment, Lamkin teaches a common HTML

page (index.htm) in a directory named "common" (Lamkin paragraph [0075]).

Furthermore, Lamkin discloses various other embodiments in which a HTML page is

shipped with a DVD (a form of startup document) that links to a web site on the Internet

or other supplemental information provided from the HTML data stored on the DVD

(linking is a form of information about other markup document) (Lamkin, Paragraph

0035, 0066-0070) Thus, Lamkin discloses a user can select a link to another web site

through the start up document that to be interpreted by the presentation engine (display

interface)   Furthermore, Lamkin teaches interactive content displayed on an

interactive screen (clickable scenes in a displayed HTML Web page) on a display

device that displays the HTML document and DVD content (paragraph 0066, 0103-

0104); FIG 1 item 138, FIG 2) wherein Lamkin discloses embedding AV content with the

HTML document (Paragraph 0117, 0121-0124) In addition, Lamkin discloses the

common directory (a form of "root" directory) contains an index page and device specific

subdirectories. Also, Lamkin discloses ROM content is stored in subdirectories and top-

level directories containing subdirectories. For example, top-level Sony directory may

have a PS2, PS3, and CE (platform) directories wherein each platform directory

contains an ITX.htm file (startup) Thus, Lamkin teaches various directories (i.e.

directories and subdirectories) storing both DVD content and HTML content accordingly

(Lamkin paragraph 0035, 0080, 0089-0090, 0099)

However, Lamkin fails to specifically disclose the medium itself comprises a

plurality of markup documents. However, Otsuka et al discloses allowing a user to

browse HTML documents stored in the local optical disc. Otsuka discloses an AV

interface displaying a HTML document (HTML menu) that includes links to other

website documents. From the HTML menu, the user can select/retrieve another web

document stored on the local optical disc. (Paragraph 0003, 0019, 0043) Since Otsuka

discusses a first document being displayed, and the first document to retrieve a second

document wherein both documents are stored on the disc, Otsuka discloses plurality of

documents stored on the medium. It would have been obvious to one of ordinary skill in

the art at the time of Applicant's invention to have modified Lamkin in further view of

Otsuka since it would have provided the benefit of allowing users to retrieve additional

information about a topic quickly without the need of a network or Internet.

Furthermore, Lamkin discloses identifying parental level values (Page 11, Right

Column, "ParentalLevelSelect(n)" command) wherein the commands control the

playback and navigation mechanisms of the DVD (Paragraph 0131); however, Lamkin

and Otsuka fails to specifically disclose documents corresponding to different parent

levels and a document specifying which one of the documents corresponds to different

parental level to be interpreted depending on the parent level. However, Kanazawa

discloses the ability to restrict the access of Web display related information (web page)

based on a parental level wherein the access information is defined on the basis of

parental information related to a parental function in system attribute information set in

the system. Kanazawa discloses analyzing the content of the web page and only

selecting and retrieving web page/web page content that coincides with the set parental

level. Furthermore, Kanazawa discloses "when the related information that coincides with the

parental level set in the system is not present, it will not be reproduced on the screen. In other words, when

the parental level of the related information is, for example, the adult oriented maximum level "8," if the parental level set in the reproducing system is "7" or lower, the related information will not be reproduced even if the user requests. This prevents the related information irrelevant to the attributes of the system (in this case, the related information that does not coincide with the parental level) from being accessed and enables the related information conforming with the attributes of the system to be always acquired." Therefore, only the contents to be reproduced (displayed) are limited on the basis of the set level parental levels. In other words, only content (web pages) that matches the parental level requirements will be accessed while the other content will be restricted and inaccessible. Thus, only the access information is defined on the basis of the set parent level resulting in link information coincides with the set parent level being selectable. (Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9, lines 15-47; Col 10 lines 45-48)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Lamkin and Otsuka with Kanazawa since it would have provided the benefit of enabling the user to acquire the best related information while conforming with the attributes of the system.

As per independent claim 53, Claim 53 recites similar limitations as in Claims 47 and 52 and is similarly rejected under rationale.

As per dependent claim 54, it is implicitly known in HTML for multiple links, wherein each link corresponds to document, each link has it owns <a href=""> tag that corresponds to a document.

As per dependent claim 55, Claim 55 recites similar limitations as in Claims 47

and 52 and is similarly rejected under rationale.

As per independent claim 56, Claim 56 recites similar limitations as in Claim 55,

and is similarly rejected under rationale. Furthermore, Lamkin does not specifically

teach displaying information according to a "set parental level". However, based on the

rejection of Claim 52, 55, and the rationale incorporated, Kanazawa discloses the ability

to restrict the access of Web display related information (web page/web page content)

based on a parental level wherein the access information is defined on the basis of

parental information related to a parental function in system attribute information set in

the system. Kanazawa discloses analyzing the content of the web page and only

selecting and retrieving web page/web page content that coincides with the set parental

level. Furthermore, Kanazawa discloses "when the related information that coincides with the

parental level set in the system is not present, it will not be reproduced on the screen. In other words, when

the parental level of the related information is, for example, the adult oriented maximum level "8," if the

parental level set in the reproducing system is "7" or lower, the related information will not be reproduced

even if the user requests. This prevents the related information irrelevant to the attributes of the system (in

this case, the related information that does not coincide with the parental level) from being accessed and

enables the related information conforming with the attributes of the system to be always acquired."

Therefore, only the contents to be reproduced (displayed) are limited on the basis of the

set level parental levels. In other words, only content (web pages) that matches the

parental level requirements will be accessed while the other content will be restricted

and inaccessible. Thus, only the access information is defined on the basis of the set

parent level resulting in link information coincides with the set parent level being
selectable. (Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9, lines
15-47; Col 10 lines 45-48)

As per dependent claim 57, Lamkin discloses a stylesheet (i.e. CSS) (Paragraph
0124)

As per dependent claim 58, Lampkin does not specifically teach displaying
information (elements of a mark-up document allotted to class values) according to a
"set parental level" (class values of elements based on display information). However,
based on the rejection of Claim 52, 55, and the rationale incorporated, Kanawaza
discloses blocking/restricting web content based upon a numerical (value) control (8
parental level values, 1-8) wherein these set predetermined values determine which
elements, content and other information of the Web page to be displayed, and teaches
specifying which content/web pages a user is allowed to access, based on the set
parental level.   (Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9,
lines 15-47; Col 10 lines 45-48)

As per dependent claim 59, Lamkin discloses a stylesheet (i.e. CSS) (Paragraph
0124)

As per independent claim 62, Claim 62 recites similar limitations as in Claims 47
and 55 and is similarly rejected under rationale. Furthermore, Lamkin discloses an
optical pickup to radiate laser beams on the data storage medium to read the mark-up
documents and the AV data from the data storage medium (Abstract; Paragraph 0035,
0039, 0063, 0066, 0068, 0174, 0224: Discloses a DVD (a storage medium) containing

AV data, and including HTML documents in directories to reproduce said AV data in an

interactive mode (a DVD video content and HTML content with extra information

regarding said video encoded on said DVD, playable via computer connected to the

Internet) Also, Lamkin discloses the use information being read from the disc using a

laser beam. (Paragraph 0015) Furthermore, Lamkin discloses blending the HTML page

and video (Paragraph 0153-0154)

Lamkin discloses identifying parental level values (Page 11, Right Column,

"ParentalLevelSelect(n)" command); however, fail to specifically disclose a presentation

engine identifying a predetermined value of an element of the mark-up document and

determining whether to display the element depending on the predetermined value,

parental level and display rule information. However, based on the rejection of Claim 52,

55, and the rationale incorporated, Kanazawa discloses the ability to restrict the access

of Web display related information (web page/web page content) based on a parental

level wherein the access information is defined on the basis of parental information

related to a parental function in system attribute information set in the system.

Kanazawa discloses analyzing the content of the web page and only selecting and

retrieving web page/web page content that coincides with the set parental level. This is

based upon a numerical (value) control (8 parental level values, 1-8) wherein these set

predetermined values determine which elements, content and other information of the

Web page to be displayed, and teaches specifying which content/web pages a user is

allowed to access, based on the set parental level.   Furthermore, Kanazawa discloses

"when the related information that coincides with the parental level set in the system is not present, it will

not be reproduced on the screen. In other words, when the parental level of the related information is, for example, the adult oriented maximum level "8," if the parental level set in the reproducing system is "7" or lower, the related information will not be reproduced even if the user requests. This prevents the related information irrelevant to the attributes of the system (in this case, the related information that does not coincide with the parental level) from being accessed and enables the related information conforming with the attributes of the system to be always acquired." Therefore, only the contents to be reproduced (displayed) are limited on the basis of the set level parental levels. In other words, only content (web pages) that matches the parental level requirements will be accessed while the other content will be restricted and inaccessible. Thus, only the access information is defined on the basis of the set parent level resulting in link information coincides with the set parent level being selectable. (Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9, lines 15-47; Col 10 lines 45-48)

As per dependent claims 63-64, Lamkin teaches a stylesheet (CSS) (Paragraph 0124)

As per dependent claim 65, Claim 65 recites similar limitations as in Claim 62 and is similarly rejected under rationale.

As per dependent claim 66, based on the rejection of Claim 62, and the rationale incorporated, Kanazawa discloses "when the related information that coincides with the parental level set in the system is not present, it will not be reproduced on the screen. In other words, when the parental level of the related information is, for example, the adult oriented maximum level "8," if the parental level set in the reproducing system is "7" or lower, the related information will not be reproduced even if the user requests. This prevents the related information irrelevant to the attributes of the system (in this case,

the related information that does not coincide with the parental level) from being accessed and enables the

related information conforming with the attributes of the system to be always acquired." Therefore, only

the contents to be reproduced (displayed) are limited on the basis of the set level

parental levels. In other words, only content (web pages) that matches the parental level

requirements will be accessed while the other content will be restricted and

inaccessible. Thus, only the access information is defined on the basis of the set parent

level resulting in link information coincides with the set parent level being selectable.

(Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 – Col 6, line 13; Col 9, lines 15-47; Col

10 lines 45-48)

As per dependent claim 73, Claim 73 recites similar limitations as in Claim 67

and is similarly rejected under rationale. Furthermore, Lamkin discloses an API (Lamkin

paragraph [0051])

As per dependent claim 77, Claim 77 recites similar limitations as in Claim 52

and is similarly rejected under rationale.

As per dependent claims 78-79, Claim 78-79 recites similar limitations as in

Claim 55, 57-59, 60-61 and is similarly rejected under rationale.

11.   Claims 48-49, 51, 71-72, 74-76, 80 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lamkin et al in further view of Otsuka et al in further view of

Kanazawa et al in view of Berstis et al. (US Patent 6,510,458 filed 7/15/1999)

As per dependent claim 48, Claim 48 recites similar limitations as in Claim 47

and is similarly rejected under rationale. Furthermore, Lamkin et al discloses link

information identifying locations of documents (Paragraph 0066, 0068, 0070, Claim 15:

discloses links to other documents/sites). Kanawaza discloses link information

according to different parental levels. (Col 5, lines 16-17, 47-50, 55-63; Col 5, line 64 –

Col 6, line 13; Col 9, lines 15-47; Col 10 lines 45-48) However, Lamkin, Otsuka and

Kanawaza do not specifically teach meta-information according to different parental

levels. However, Berstis teaches HTML meta-information associated with parental

levels (Berstis column 10 lines 10-19; col 12, lines 13-15; col 14, lines 60-67 -insert an

extra header into the document before the contents of the document; col 15, lines 4-6,

12-25 – embedding in the document). It would have been obvious to one of ordinary

skill in the art at the time of the invention to apply Berstis to Lamkin, Otsuka and

Kanawza, providing the benefit of meta-data to more accurately describe parental data

and selecting which HTML page (via links) to view based on parental levels.

As per dependent claims 49, Claims 49 recites similar limitations as in Claim 47

& 48 and are similarly rejected under rationale. Furthermore, Lamkin et al discloses link

information identifying locations of documents (Paragraph 0066, 0068, 0070, Claim 15:

discloses links to other documents/sites). In addition, based on the rejection of Claim 47

and the rationale incorporated, Kanawaza discloses "when the related information that

coincides with the parental level set in the system is not present, it will not be reproduced on the screen. In

other words, when the parental level of the related information is, for example, the adult oriented maximum

level "8," if the parental level set in the reproducing system is "7" or lower, the related information will not be

reproduced even if the user requests. This prevents the related information irrelevant to the attributes of the

system (in this case, the related information that does not coincide with the parental level) from being

accessed and enables the related information conforming with the attributes of the system to be always acquired." In other words, if the user has a higher allowed parental level then the page's set parental level, then the user is able to view the page and/or certain/all content. If the user has a lower allowed parent level, then the page and/or certain/all content is blocked.

As per dependent claim 51, Lamkin discloses DVD video data and markup documents written in HTML (FIG 2; Paragraph 0035,0080). However, Lamkin does not specifically teach parental levels meeting DVD standards or ratings. However, based on the rejection of Claim 48 and the rationale incorporated, Berstis teaches RSAC, a ratings service for computer games (typically distributed on CD or DVD, as well as MPAA for movies (typically on DVDs) (Berstis column 13 lines 15-20, 40-46).

As per dependent claim 71, 72, Lamkin teaches DVD data and DVD-video and DVD-audio standards (FIG 2; Paragraph 0080) and setting parental levels (Page 11, Right Column, "ParentalLevelSelect(n)"). However, based on the rejection of Claim 48 and the rationale incorporated, Berstis teaches RSAC, a ratings service for computer games (typically distributed on CD or DVD, as well as MPAA for movies (typically on DVDs) (Berstis column 13 lines 15-20, 40-46

As per dependent claim 74, Claim 74 recites similar limitations as in Claim 48 and is similarly rejected under rationale.

As per dependent claim 75, Claim 75 recites similar limitations as in Claim 47, 49 and is similarly rejected under rationale.

As per dependent claim 76, Claim 76 recites similar limitations as in Claim 73

and is similarly rejected under rationale.

As per dependent claim 80, Claim 80 recites similar limitations as in Claim 51

and is similarly rejected under rationale.

Double Patenting

12.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

13.   Claims 47, 52, 53, 55, 60, 62, and 67 are rejected on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1, 4-7 of U.S.

Patent No. 7,493,552. Although the conflicting claims are not identical, they are not

patentably distinct from each other because they are substantially similar in scope and

they use the same limitations, using varying terminology such that claims 47, 52, 53, 55,

60, 62, and 67 are generic to the claims 1, 4-7 of U.S. Patent 7,493,552. That is, claims

47, 52, 53, 55, 60, 62, and 67 are anticipated by claims 1, 4-7 of U.S. Patent 7,493,552

since claims 1, 4-7 of U.S. Patent 7,493,552 contains all the limitations of claims 47, 52,

53, 55, 60, 62, and 67 of Application 10/777900

Response to Arguments

14.   Applicant's arguments, see pages 13-24, filed 11/19/2010, with respect to the

rejection(s) of claim(s) 47-80 under Lamkin in further view of Berstis have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of

Lamkin in further view of Otsuka in further view of Kanawaza.

15.   Applicant's arguments, see page 10-11, filed 11/19/2010, with respect to the IDS

filed on 2/10/2010 in which Applicant argues that US PGPubs 20030152366 and

20080159721 are US counterparts of JP 11-161663 and should be view as actual

English translations of JP 11-161663 have been fully considered and persuasive.

However, the IDS filed on 2/10/2010 is still not fully considered as described below.

16.   Applicant's arguments filed 11/19/2010 have been fully considered but they are

not persuasive.

17.   On page 10, Applicant requests that the Office confirm that the Amendment After

Final filed on March 22, 2010 was entered and considered. However, the Examiner

disagrees.

The Examiner respectfully submits that the Office mailed an Advisory Action out

on 30 March 2010 stating that the Amendment After Final was not entered. The

Examiner directs the Applicant to indicia #3 and #7 of the Advisory Action that clearly

discloses that the proposed amendments were not entered. Therefore, the amendments

filed on 22 March 2010 were not entered.

18.   On page 11, in regards to the IDS filed 2/10/2010, Applicant argues that it does

not have English transition for the provided with the Japanese Office Action. In addition,

Applicant states a English transition was not provided with the Japanese Office Action.

Therefore, Applicant states it does not have to prepare an English transition.

Furthermore, the Applicant states the Japanese Office Action as its self provides the

concise statement of relevance required. However, the Examiner disagrees.

MPEP 1.98(a)(3)(i) states "A concise explanation of the relevance, as it is presently

understood by the individual designated in § 1.56(c) most knowledgeable about the

content of the information, of each patent, publication, or other information listed that is

not in the English language." The Japanese Office Action does not contain any English

within the document. Therefore, there is no concise statement within the office action

and the action cannot be considered as a concise explanation of relevance. Applicant

must provide a concise explanation separate from the Japanese Office Action. In

addition, MPEP 609.04(a)(II) states "If no translation is submitted, the examiner will

consider the information in view of the concise explanation and insofar as it is

understood on its face, e.g., drawings, chemical formulas, English language abstracts,

in the same manner that non-English language information in Office search files is

considered by examiners in conducting searches." And MPEP 609.04(a)(III) states

"Each information disclosure statement must further include a concise explanation of

the relevance, as it is presently understood by the individual designated in 37 CFR

1.56(c) most knowledgeable about the content of the information listed that is not in the

English language." Since Applicant has not provided a English translation or a

(separate) concise explanation of relevance of the Japanese Office action, the IDS

remains not considered.

19.   On pages 24-26, in regards to the double patenting rejection, Applicant argues

that 7,493,552 do not discloses the following features discloses in claims 47, 52, 53, 55,

62, and 67 of Applicant's application: "displaying the AV data on an AV screen

embedded in a mark-up screen displaying interactive contents associated with the AV

data", "specifying whether to display the interactive contents associated with the AV

data depending on a parental level set in the apparatus", "an optical pickup to radiate

laser beams on the data storage medium to read the mark-up documents and the AV

data from the data storage medium", "an AV decoder to decode the AV data read by the

optical pickup to reproduce the AV data;" "a blender to blend the mark-up screen

generated by the presentation engine and the AV data reproduced by the decoder so

that the reproduced AV data is displayed on the AV screen embedded in the mark-up

screen;", "identifies a value of a predetermined attribute of an element of one of the

mark-up documents; and determines whether to display the element on the mark-up

screen depending on the value of the predetermined attribute, the display rule

information, and a parental level set in the apparatus," and "a mark-up document

comprising instructions corresponding to different parental levels to control display of

the interactive contents associated with the AV data depending on a parental level set in

the apparatus." However, the Examiner disagrees.

The Examiner respectfully states that although the conflicting claims are not

identical, they are not patentably distinct from each other because they are substantially

similar in scope and they use the same limitations, using varying terminology. In other

words, both the claims 1, 4-7 of 7493552 and Claims 47, 52, 53, 55, 60, 62, and 67 of

Application 10/777900 disclose similar functionality.

The Examiner respectfully states that 7493552 discloses the following features

that Applicant stated that does not:

- "displaying the AV data on an AV screen embedded in a mark-up screen

  displaying interactive contents associated with the AV data" (Col 14, lines 42-

  45, 64-67; Col 15, lines3-4; Col 17, lines 32-35)

- specifying whether to display the interactive contents associated with the AV

  data depending on a parental level set in the apparatus (Col 14, lines 42-45:

  discloses the documents are interactive; therefore, interactive contents. Col

14, lines 59-67: discloses the functionality of whether or not to display the

document based on the set parental level. Thus, similar in scope)

- "an optical pickup to radiate laser beams on the data storage medium to read

  the mark-up documents and the AV data from the data storage medium" (Col

  14, lines 55-56; Col 15, line 1; Col 16, lines 22-23, 64-65; Col 18, lines 7-8:

  discloses the same functionality of reading documents and AV data that an

  optical pickup would perform; therefore, similar in scope)

- "an AV decoder to decode the AV data read by the optical pickup to

  reproduce the AV data;" (Col 15, line 2; Col 16, line 6, 24: discloses the same

  functionality of decoding AV data that a decoder would perform; therefore,

  similar in scope)

- "a blender to blend the mark-up screen generated by the presentation engine

  and the AV data reproduced by the decoder so that the reproduced AV data

  is displayed on the AV screen embedded in the mark-up screen;"(Col 16,

  lines 29-31: discloses the same functionality of blending the mark-up screen

  generated by the presentation engine and the AV data is displayed on the AV

  screen embedded in the mark-up screen that a blender would perform;

  therefore, similar in scope)

- "identifies a value of a predetermined attribute of an element of one of the

  mark-up documents; and determines whether to display the element on the

  mark-up screen depending on the value of the predetermined attribute, the

display rule information, and a parental level set in the apparatus," (Col 16, lines 33-39)

- "a mark-up document comprising instructions corresponding to different parental levels to control display of the interactive contents associated with the AV data depending on a parental level set in the apparatus." (Col 14, lines 42-45: discloses the documents are interactive; therefore, interactive contents . Col 14, lines 50-53; Col 14, line 59 – Col 15, line 3: discloses the same functionality of controlling what document is to be interpreted by the presentation engine (thus displayed) based on the parental level and displaying the contents of the document/document based on the parental level; therefore, similar in scope)

Therefore, the limitations of 10/777900 are disclosed in the limitations of 7493552.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached Monday-Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/
Examiner, Art Unit 2178

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178